



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Masasuke Kawasaki

Serial No.: 09/823,909

Filed: March 29, 2001

For: SYSTEMS AND METHODS USEFUL IN  
STABILIZING PLATFORMS AND  
VESSELS HAVING PLATFORMS AND  
LEGS

Group Art Unit: 3673

Examiner: Singh, S.

Atty. Dkt. No.: DSGN:002US/MTG

**DECLARATION OF MASASUKE KAWASAKI**

I, Masasuke Kawasaki, declare as follows:

1. I am the inventor of the above-referenced patent application.
2. I received a B.S. degree in naval architecture and marine engineering from Tokyo University in 1946. I received a Masters in naval architecture and marine engineering from the University of Michigan in 1953. In 1965, I founded Design Associates, Inc., which specializes in these disciplines. I have worked as a naval architect and marine engineer for 40 years.
3. I have reviewed the March 30, 2005 Office Action and the references cited in it.
4. It appears that the Examiner is asserting that the lower part 5 of the climbing and locking mechanism of the jack up boat in the British document GB 2175257A is configured as shown in the U.S. Patent No. 4,270,877. Nothing in either reference or the knowledge I have in this area suggests to me that this assertion is necessarily correct. The 877 Patent does not show an anchoring structure that includes a ring that is coupled to a platform and that has a holding rack. In general, the 877 Patent technology surrounding the legs does not appear to be related to the climbing and locking mechanism shown in the British document.

5. It does not make sense to replace the reversing wheel 22 disclosed in the British document with a winch designed to tension cable 20 and maintain that tension. The tension in cable 20 of the British document is designed to be carried at connection point 24, such as by a chain clamp. The British document explains that the load on lower part 5 is decreased by off-loading the tension in cable 20 to connection point 24. If reversing wheel 22 were replaced with a winch that tensioned cable 20 and then maintained it, the load on part 5 would not be reduced.

6. The British document discloses only flexible braces. It would not be possible to replace them with rigid braces without modifying the jack up island significantly.

7. There is nothing in the British document or the other references that suggests using an anchoring structure capable of achieving 40,000 pounds of tension in one of my braces. The British document does not discuss the size of any of the features of its jack up island. It discusses using vessels of a lighter construction than normal for a given job (page 1, lines 26-34 and 82-87), as I do in my application, but it provides no specifics. Someone skilled in this field would not necessarily decide to use a 40,000-pound winch if instructed to tension cable 20 with a winch because the British document is silent about dimensions and loads.

8. There is nothing in any of the references cited in section 10 of the Office Action that suggests synchronizing a winch motor with a pinion-driving motor or motors such that tension in a brace is maintained at the winch while raising or lowering a platform. There is no recognition in this field of the need for such technology. For example, the British document does not address the issue of maintaining tension in any of the braces as the pontoon is raised or lowered, so there is no reason for any synchronization.

9. All statements made of my own knowledge are true and all statements made on information are believed to be true, and statements in this document were made with the knowledge that willful

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statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code.

Aug 1, 2005  
Date

Masasuke Kawasaki  
Masasuke Kawasaki



The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

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Paper No. 11

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte THOMAS P. ORLOFSKY

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Appeal No. 2000-0377  
Application 08/777,841<sup>1</sup>

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ON BRIEF

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Before BARRETT, FLEMING, and DIXON, Administrative Patent Judges.  
BARRETT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the final rejection of claims 1 and 3-17.

We affirm-in-part.

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<sup>1</sup> Application for patent filed December 26, 1996, entitled "Remote Viewing of Rack-Mounted Printed Circuit Cards."

BACKGROUND

The invention relates to systems and a method for displaying images indicative of the appearance of electronic circuits located at a remote site.

Claims 1 and 6 are reproduced below.

1. For a collection of electronic circuits located at a site, at least some of which bear visual signal indicators, the improvement comprising:

- a) a data storage facility, located at the site, which stores image-data indicative of a view of each individual electronic circuit;
- b) controller means for
  - i) examining a group of the electronic circuits and identifying the type of each electronic circuit within the group;
  - ii) transmitting data indicating the types within the group to a remote location; and
  - iii) if a system at the remote location requests image-data corresponding to specific types, transmitting said image-data to the remote location.

6. A system, comprising:

- a) a workstation; and
- b) means for obtaining, from a remote location, data which enables the workstation to produce a visual image indicative of
  - i) physical appearance of electronic circuitry located at the remote location; and
  - ii) visual signals currently displayed by the electronic circuitry, said visual signals including two or more of the following:

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- A) positions of mechanical toggle switches,
- B) positions of rotary switches, and
- C) colors of illuminated light sources.

The Examiner relies on the admitted prior art (APA) of Appellant's figure 2, described in the specification at pages 2-4, and following references:

Hotka	5,452,415	September 19, 1995
Yamada	5,798,738	August 25, 1998 (filed March 25, 1996)
Taguchi	5,815,080	September 29, 1998 (filed February 15, 1996)

Claims 1, 3-5, 9, 11, 13, and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hotka and Yamada.

Claims 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hotka, Yamada, and the APA.

Claims 10, 12, and 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hotka, Yamada, and Taguchi.

We refer to the final rejection (Paper No. 5) (pages referred to as "FR\_\_") and the examiner's answer (Paper No. 8) (pages referred to as "EA\_\_") for a statement of the Examiner's rejection, and to the brief (Paper No. 7) (pages referred to as "Br\_\_") and reply brief (Paper No. 9) (pages referred to as "RBr\_\_") for a statement of Appellant's arguments thereagainst.

OPINION

Claims 1, 3-5, and 7-17

Independent claims 1 and 4 are grouped to stand or fall together. Claim 1 is analyzed as representative.

The Examiner finds (FR2-3; EA3-4) that Hotka teaches the subject matter of claim 1 except for the claimed "controller means for . . . transmitting data indicating the types within the group to a remote location" in paragraph (b)(ii). The Examiner finds that Yamada teaches a controller means for transmitting appearance data to a remote location (FR3; EA3). The Examiner concludes that it would have been obvious to modify Hotka to provide for transmission of appearance data in view of Yamada, "to obtain the combined apparatus/method of Hotka-Yamada because it would result in ease of information retrieval for the user" (emphasis omitted) (FR3) and "because it would enable a user, from his/her own workstation, to monitor the health of hardware located at remote location(s), thus [providing] quick detection/troubleshooting of any hardware malfunction" (emphasis omitted) (EA4).

Appellant argues that neither Hotka nor Yamada, nor the combination of Hotka and Yamada, teach or suggest the three limitations of claim 1, paragraph (b), i.e., even if the references are combined, the limitations of claim 1, paragraph (b) are not met (Br10-14). It is argued (Br13-14) that

the Examiner has not shown where Hotka teaches the limitation of "examining a group of the electronic circuits and identifying the type of each electronic circuit within the group" in claim 1, paragraph (b)(i). It is argued that Yamada does not transmit data indicating the "type" of electronic circuit within the group as recited in paragraph (b)(ii), but only transmits data indicating the "type" of push-button (round or square) which is to be displayed, and does not transmit "image-data corresponding to specific types" as recited in paragraph (b)(iii) (Br10-11). It is argued that the Examiner's rationale in the final rejection ("ease of information retrieval for the user") merely sets forth a supposed characteristic of the combination of references and does not provide a motivation for combining the references in the first place (Br14). Moreover, it is argued that the "ease of use" rationale is purely conclusory (Br14-15). Appellant further argues that providing transmission of information in Hotka is not valid motivation since Hotka already provides this function (Br15) and such modification would change the principle of operation of Hotka (Br16).

Hotka discloses that a communications node (shown as 1633 SX in figure 1) includes a bay that consists of one or more shelves of various subcomponents. For example, the OFFICE02 node 14 (figures 1 and 2), as shown in figure 3, has Bay 2, designated by block 72 and includes the shelves that bracket 78 bounds, and



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Bay 3, designated by block 76 and includes shelves that bracket 78 bounds (col. 4, line 58 to col. 5, line 19). Figure 4 of Hotka teaches input/output (I/O) shelf graphic representation 110 that shows the components of I/O shelf 92 (col. 5, lines 35-47). The graphic representation includes representations of status indicators, such as indicator 124, which show green, yellow, or red depending on the status of the associated unit (col. 5, lines 47-52). To permit the user to completely change the graphical representation of the network on demand, the templates that represent 1633 SX bays and shelves have been reduced to templates representing all levels of integration necessary to configure a 1633 SX and these templates include each bay representation that the 1633 SX supports and each kind of shelf of a 1633 SX bay (col. 6, lines 49-68). The representation of the templates accurately reflect the hardware representation that the user seeks to monitor (col. 7, lines 6-8). The user configures the graphics templates (col. 7, lines 26-29).

The nodes 12, 14, and 16 in figure 1 of Hotka are controlled by the management control 18 and are monitored through system monitoring software, such as that provided by Advanced Computing Devices, Inc. (ACD) (col. 3, lines 37-44). The ACD software provides signals to the controller 18 for display visually using templates (col. 3, lines 53-61). As far as we can determine, the nodes themselves do not store "image-data indicative of a view of

each individual electronic circuit," as recited in claim 1, paragraph (a); the "image-data" is provided by templates at the management control. Thus, the Examiner errs in finding that Hotka discloses the limitations of claim 1, paragraph (a). Moreover, since no "image-data" is stored at the nodes, the system cannot perform the function of paragraph (b)(iii).

Hotka does not disclose "controller means for . . . examining a group of the electronic circuits and identifying the type of each electronic circuit within the group," as recited in claim 1, paragraph (b)(i). The fact that Hotka is programmed to display different types of circuits, as found by the Examiner (EA7), does not imply the machine function of "examining . . . and identifying the type" at the site (corresponding to a node in Hotka) as claimed. Since Hotka does not examine and identify the types of electronic circuits at the site (node), it does not perform the function of "transmitting data indicating the types within the group to a remote location," as recited in claim 1, paragraph (b)(ii) and cannot perform the function of paragraph (b)(iii). Furthermore, since the templates (corresponding to the claimed "image-data") are set up by the user at the management control 18, there is no controller means for "examining . . . and identifying the type of each electronic circuit" as recited in claim 1, paragraph (b)(i) and no transmission of "image-data" in response to a request as recited

in claim 1, paragraph (b)(iii). In summary, while Hotka discloses displaying image data for a collection of electronic circuits located at a site, we find it does not disclose or suggest any of the limitations of claim 1, paragraphs (a) or (b).

The Examiner vaguely relies on Yamada's teaching of the transmission of appearance data. However, Yamada does not disclose "controller means for . . . examining a group of the electronic circuits and identifying the type of each electronic circuit within the group," as recited in claim 1, paragraph (b)(i), or "transmitting data indicating the types within the group to a remote location," as recited in claim 1, paragraph (b)(ii). Yamada transmits appearance data, which is "image-data," but does not do so in response to a request for image data corresponding to a specific type as recited in claim 1, paragraph (b)(iii). The "TYPE" information in Yamada is merely data indicating a type of figures of the button, such as a circle or square (col. 12, lines 1-2), and does not indicate the type of electronic equipment. Accordingly, the combination of Yamada and Hotka, even if properly combined, does not teach all of the limitations of claim 1. Thus, the Examiner has failed to establish a prima facie case of obviousness with respect to independent claim 1. Independent claim 4 contains similar limitations to those discussed with respect to claim 1 and, therefore, a prima facie case of obviousness has likewise not

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been established with respect to claim 4. The rejections of claims 1, 3-5, and 7-17 are reversed.

Although we have reversed the Examiner's rejection of independent claims 1 and 4, and their dependent claims, we nevertheless comment on a couple of the Examiner's statements.

The Examiner states that Appellant's arguments are not persuasive because one cannot show nonobviousness by attacking references individually when the rejection is based on a combination of references (EA7). Appellant responds that the arguments merely show that, even if combined, the claim elements are not shown in the references (RBr1).

We agree with Appellant. Manifestly, if none of the references teach a claimed feature, as shown by addressing the references individually, then the combination of references will also not contain the claimed feature. The admonition against attacking references individually applies where an applicant fails to address the combined teachings of the references.

The Examiner states that it is not necessary for the references to expressly suggest the modification and that the rationale to combine is that "it would enable a user, from his/her own workstation, to monitor the health of hardware located at a remote location(s); quick detection/troubleshooting of any hardware malfunction is an advantage for monitoring hardware at remote locations" (EA8).

While it is true that the references need not expressly state the motivation, the motivation must come from somewhere in the evidence of record, such as the knowledge of one of ordinary skill in the art or in the nature of the problem to be solved. It is not persuasive to just make up a rationale that might fit the circumstances, as the Examiner appears to have done, because the lack of factual support smacks of hindsight. In any case, however, we find that the combination does not meet all of the limitations of claims 1 and 4.

Claim 6

The Examiner finds that the combination of Hotka and Yamada meets the limitations of claim 6 except for providing a visual representation of positions of mechanical toggle switches and rotary switches (FR4; EA5). The Examiner finds that the APA of Appellant's figure 2 shows visual representation of positions of mechanical toggle switches and rotary switches as prior art (FR4; EA5). The Examiner concludes that it would have been obvious to add the visual representation of mechanical toggle switches and rotary switches, as taught by the APA, to the combination of Hotka and Yamada "because it would result in ease of operation and realistic view of system" (emphasis omitted) (FR4) and "because it would help a user, from his/her workstation, to

easily identify hardware configuration/setting located at a remote location(s)" (emphasis omitted) (EA4).

Appellant argues that subparagraphs 6(b)(ii)(A) and (B) are mechanical switches requiring mechanical movement by a human or robot for operation, whereas both references refer to remote control of the subject matter viewed (Br18). Thus, it is argued, the references, by teaching remote control, teach against adding those switches to their displays because the switches cannot be controlled remotely (Br18). It is argued that the Examiner's rationale for combining is flawed (Br18-19).

Hotka teaches providing a visual image indicative of the physical appearance of electronic circuitry located at a remote location including visual signals including the colors of illuminated light sources. Hotka does not teach (1) means for obtaining, from a remote location, data enabling the workstation to produce a visual image indicative of the physical appearance of the electronic circuits, or (2) visual signals indicating the positions of mechanical toggle switches or rotary switches. As to difference (1), the Examiner concluded that it would have been obvious to transmit appearance data from a remote location in Hotka in view of the teachings in Yamada. Appellant does not contest this conclusion. Nevertheless, we note that Yamada discloses means for obtaining data which permits a workstation to

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produce a visual image of electronic circuitry (a copier) located at a remote location and agree with the Examiner's conclusion.

As to difference (2), the Examiner concludes that it would have been obvious to indicate the position of toggle or rotary switches in Hotka, as modified by Yamada, in view of the APA. The APA of figure 2, described in Appellant's specification at pages 2-4, describes providing a visual image indicative of the physical appearance of electronic circuitry located at a remote location (the "static" image) upon which is imposed a "dynamic" image representing the status of the signal indicators, including the colors of illuminated light sources and the positions of switches and rotary dials. There must be means for obtaining data from the remote location which enables the workstation to produce the "dynamic" status information on switches and lights in paragraph (b)(ii). Thus, the APA teaches that it would have been obvious to one of ordinary skill in this art to display the position of remotely located toggle and rotary switches, as well as status lights, for the purpose of remote viewing of electronic circuits. The combination of references provides sufficient evidence to establish a prima facie case of obviousness.

Appellant's argument about the switches is not persuasive since the APA expressly teaches providing a visual indication of the position of mechanical toggle and rotary switches and one of

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ordinary skill in the art would have been motivated to use a visual indication of such mechanical switches when present.

As to the arguments about lack of motivation to combine, we are not particularly persuaded by the Examiner's reasoning in the final rejection or the examiner's answer. Nevertheless, the APA expressly provides motivation to display the position of toggle or rotary switches in addition to the status of indicator lights for the purpose of remote viewing of settings of electronic circuits. Thus, we find the motivation to be present in the APA.

Appellant has not shown error in the prima facie case of obviousness. The rejection of claim 6 is sustained.

## CONCLUSION

The rejections of claims 1, 3-5, and 7-17 are reversed.

The rejection of claim 6 is sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

LEE E. BARRETT  
Administrative Patent Judge

MICHAEL R. FLEMING )  
Administrative Patent Judge )

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

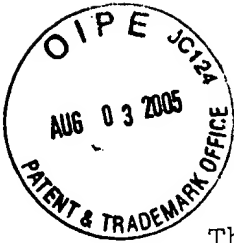


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JOSEPH L. DIXON )  
Administrative Patent Judge )

Appeal No. 2000-0377  
Application 08/777,841

Docket Administrator RM 3C 512  
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P.O. Box 636  
Murray Hill, NJ 07974-0636



THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte CONRAD J. BELL

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Appeal No. 97-0126  
Application No. 08/314,749<sup>1</sup>

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ON BRIEF

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Before BARRETT, KRASS, and RUGGIERO, Administrative Patent Judges.

RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-4, all of the claims pending in the present application. An amendment after final rejection was filed May 25, 1995 which was denied entry by the Examiner.

The claimed invention relates to a gradient index lens assembly formed of a plurality of lens arrays which are joined

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<sup>1</sup> Application for patent filed September 29, 1994.

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together end-to-end to form an extended linear array. Each array has two staggered rows of optical fibers extending along the length of each array.

Claim 1 is illustrative of the invention and reads as follows:

1. A gradient index lens array assembly comprising a plurality of linear gradient index lens arrays, each array having two staggered rows of optical fibers extending along the length of each array, each array connected in a staggered end-to-end configuration forming an extended length linear array assembly.

The Examiner relies on the following reference:

Yamanishi et al. (Yamanishi)                      4,742,240  
May 03, 1988

Claims 1-4 are rejected under 35 U.S.C. § 103 as being unpatentable over Yamanishi. Rather than reiterate the arguments of Appellant and the Examiner, reference is made to the Briefs<sup>2</sup> and Answer for the respective details.

#### OPINION

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<sup>2</sup> The Appeal Brief was filed September 28, 1995. In response to the Examiner's Answer dated January 29, 1996, a Reply Brief was filed February 20, 1996 which was acknowledged and entered by the Examiner without further comment on May 6, 1996.

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We have carefully considered the subject matter on appeal, the rejections advanced by the Examiner and the evidence of obviousness relied upon by the Examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellant's arguments set forth in the Briefs along with the Examiner's rationale in support of the rejections and arguments in rebuttal set forth in the Examiner's Answer. It is our view, after consideration of the record before us, that the collective evidence relied upon and the level of skill in the particular art would not have suggested to one of ordinary skill in the art the obviousness of the invention as set forth in claims 1-4. Accordingly, we reverse.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. See In re Fine, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the Examiner is expected to make the factual

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determinations set forth in Graham v. John Deere Co., 383 U.S.  
1,

17, 148 USPQ 459, 467 (1966), and to provide a reason why one  
having ordinary skill in the pertinent art would have been led  
to

modify the prior art or to combine prior art references to  
arrive

at the claimed invention. Such reason must stem from some  
teaching, suggestion or implication in the prior art as a  
whole

or knowledge generally available to one having ordinary skill  
in

the art. Uniroyal Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044,  
1051, 5 USPQ2d 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S.  
825

(1988); Ashland Oil, Inc. v. Delta Resins & Refractories,  
Inc.,

776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert.  
denied, 475 U.S. 1017 (1986); ACS Hosp. Sys., Inc. v.

Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed.

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Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a prima facie case of obviousness. Note In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

With respect to apparatus claims 1-3, the Examiner seeks to modify the lens arrangement of Yamanishi by suggesting the obviousness of staggering the disclosed lens array in the lengthwise direction. In the Examiner's view, it would be a matter of obvious design choice to do so since Appellant has not disclosed any purpose for such staggered configuration.

In response, Appellant (Reply Brief, page 2) challenges this basis for the Examiner's obvious design choice conclusion by referring to pages 1 and 6 of the specification which describes how the claimed staggered lens array assembly with optically stitched outputs enables the copying of extra wide documents. In addition, Appellant contends that Yamanishi discloses only a conventional single lens array arrangement with staggered rows of optical fibers and offers no

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suggestion to combine a plurality of lens arrays into a staggered assembly as claimed.

Upon careful review of Yamanishi, we are in agreement with both of the above arguments of Appellant. The Examiner's questioning of the purpose of Appellant's staggered lens assembly does not address the issue of obviousness. The conclusion that such arrangement is a matter of obvious design choice, as suggested by the Examiner, is not supported by any evidence of record. We further agree that the portion of the disclosure of Yamanishi relied on by the Examiner teaches only a single lens array with no suggestion that a plurality of such arrays could be coupled together, let alone in the staggered configuration as claimed. Although not mentioned by the Examiner, we do note that the embodiment illustrated in Figure 14 of Yamanishi has an assembly of two lens arrays. As evident from the Figure 14 illustration and accompanying disclosure, however, the assembled arrays are in a side-by-side configuration instead of staggered end-to-end as claimed.

With respect to method claim 4, we note that the Examiner has never addressed the limitations contained in the recited



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method steps. The Examiner's sole basis for the rejection of this claim appears to be a reference to a portion of Yamanishi which relates to a method of reading a document image and not to an assembling method for a lens as claimed. Since the Examiner has not addressed the particulars of this claim, we are constrained, on the record before us, to agree with Appellant's contention that none of the claimed method steps of forming a lens array assembly are taught or suggested by Yamanishi.

Since it is our opinion, for at least the reasons discussed above, that the Examiner has failed to establish a prima facie case of obviousness with respect to claims 1-4 we can not sustain the Examiner's 35 U.S.C. § 103 rejection of claims 1-4. Accordingly, the Examiner's decision rejecting claims 1-4 is reversed.

REVERSED

ERROL A. KRASS	)	
Administrative Patent Judge	)	
	)	
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	)	
	)	BOARD OF PATENT
LEE E. BARRETT	)	APPEALS

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Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
	)	
JOSEPH F. RUGGIERO	)	
Administrative Patent Judge	)	

lp

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***Leticia***

Appeal No. 97-0126

Application No. 08/314,749

APJ RUGGIERO

APJ KRASS

APJ BARRETT

DECISION: REVERSED

Send Reference(s): Yes No  
or Translation (s)

Panel Change: Yes No

Index Sheet-2901 Rejection(s): \_\_\_\_\_

Prepared: February 10, 2000

Draft      Final

3 MEM. CONF.   Y      N

OB/HD      GAU

PALM / ACTS 2 / BOOK  
DISK (FOIA) / REPORT